

number of ruptured peas, and its package or label did not bear a plain and conspicuous statement prescribed by regulation of this Department indicating that it fell below such standard.

On May 27, 1935, the G. L. Webster Co., Inc., having appeared as claimant for the property and having consented to the entry of a decree, judgment of condemnation was entered and it was ordered that the product be released under bond conditioned that it be relabeled.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24940. Adulteration and misbranding of macaroni. U. S. v. 21 Cases of Macaroni. Default decree entered. Product delivered to a charitable organization. (F. & D. no. 35481. Sample no. 30615-B.)**

This case involved a shipment of macaroni that contained soya flour and turmeric, a yellow coloring matter.

On May 9, 1935, the United States attorney for the District of New Jersey, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 21 cases of macaroni at Passaic, N. J., alleging that the article had been shipped in interstate commerce on or about March 7, 1935, by the Cardinale Macaroni Manufacturing Co., Inc., from Brooklyn, N. Y., and charging adulteration and misbranding in violation of the Food and Drugs Act. The article was labeled in part: "Made of Pure Semolina Cardinale Brand Cardinale Macaroni \* \* \* Cardinale Macaroni Manufacturing Co. Inc."

The article was alleged to be adulterated in that a product containing soya flour and turmeric had been substituted for semolina macaroni, which the article purported to be.

Misbranding was alleged for the reason that the statements on the label, "Macaroni" and "Made of Pure Semolina", were false and misleading and tended to deceive and mislead the purchaser, when applied to a mixture of semolina macaroni, soya flour, and added coloring matter, turmeric.

On June 15, 1935, no claimant having appeared, judgment was entered ordering that the product be delivered to a charitable organization.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24941. Adulteration of tomato paste. U. S. v. 58 Cases of Tomato Paste. Default decree of condemnation and destruction. (F. & D. no. 35482. Sample no. 26706-B.)**

This case involved a shipment of tomato paste that contained worm and insect debris.

On May 10, 1935, the United States attorney for the Eastern District of Pennsylvania, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 58 cases of tomato paste at Philadelphia, Pa., alleging that the article had been shipped in interstate commerce on or about March 23, 1935, by the Howard Terminal, from Oakland, Calif., and charging adulteration in violation of the Food and Drugs Act. The article was labeled in part: "De-Luxe Brand Tomato Paste \* \* \* Greco Canning Co. Inc., San Jose, Calif."

The article was alleged to be adulterated in that it consisted wholly or in part of a filthy vegetable substance.

On September 27, 1935, no claimant having appeared, judgment of condemnation was entered and it was ordered that the product be destroyed.

W. R. GREGG, *Acting Secretary of Agriculture.*

**24942. Adulteration and misbranding of tomato catsup. U. S. v. 33 Cases of Tomato Catsup. Default decree of condemnation and destruction. (F. & D. no. 35483. Sample no. 33105-B.)**

This case involved an interstate shipment of tomato catsup that contained worm and insect debris and rodent hairs, and was also short volume.

On May 10, 1935, the United States attorney for the District of Nebraska, acting upon a report by the Secretary of Agriculture, filed in the district court a libel praying seizure and condemnation of 33 cases, each containing 4 jugs of catsup at Omaha, Nebr., alleging that the article had been shipped in interstate commerce on or about February 16 and February 19, 1935, by the Smith Canning Co., from Clearfield, Utah, and charging adulteration and misbranding in violation of the Food and Drugs Act as amended. The article was labeled in part: "Brimful Brand Fancy Catsup Contents One Gallon H A Marr Grocery Co Distributors Denver-Enid-Omaha-Amarillo."